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J1054 U.S. PTO

# UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
DEX-0291

Total Pages in this Submission

## TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**COMPOSITIONS AND METHODS RELATING TO LUNG SPECIFIC GENES AND PROTEINS**

and invented by:

**Macina et al.**

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

### Application Elements

1.  Filing fee as calculated and transmitted as described below
2.  Specification having 158 pages and including the following:
  - a.  Descriptive Title of the Invention
  - b.  Cross References to Related Applications (if applicable)
  - c.  Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d.  Reference to Microfiche Appendix (if applicable)
  - e.  Background of the Invention
  - f.  Brief Summary of the Invention
  - g.  Brief Description of the Drawings (if drawings filed)
  - h.  Detailed Description
  - i.  Claim(s) as Classified Below
  - j.  Abstract of the Disclosure

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## Application Elements (Continued)

3.  Drawing(s) (when necessary as prescribed by 35 USC 113)
- a.  Formal                      Number of Sheets \_\_\_\_\_
- b.  Informal                      Number of Sheets \_\_\_\_\_
4.  Oath or Declaration
- a.  Newly executed (original or copy)                       Unexecuted
- b.  Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c.  With Power of Attorney                       Without Power of Attorney
- d.  DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5.  Incorporation By Reference (usable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6.  Computer Program in Microfiche (Appendix)
7.  Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)
- a.  Paper Copy
- b.  Computer Readable Copy (identical to computer copy)
- c.  Statement Verifying Identical Paper and Computer Readable Copy

## Accompanying Application Parts

8.  Assignment Papers (cover sheet & document(s))
9.  37 CFR 3.73(B) Statement (when there is an assignee)
10.  English Translation Document (if applicable)
11.  Information Disclosure Statement/PTO-1449                       Copies of IDS Citations
12.  Preliminary Amendment
13.  Acknowledgment postcard
14.  Certificate of Mailing
- First Class                       Express Mail (Specify Label No.): EV051547060US

**UTILITY PATENT APPLICATION TRANSMITTAL  
(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
DEX-0291

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**Accompanying Application Parts (Continued)**

15.  Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16.  Additional Enclosures *(please identify below):*

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

17.  Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

**UTILITY PATENT APPLICATION TRANSMITTAL  
(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
DEX-0291

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**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	19	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	2	- 3 =	0	x \$84.00	\$0.00
Multiple Dependent Claims (check if applicable) <input checked="" type="checkbox"/>					\$280.00
<b>BASIC FEE</b>					\$740.00
OTHER FEE (specify purpose) _____					\$0.00
<b>TOTAL FILING FEE</b>					<b>\$1,020.00</b>

- A check in the amount of **\$1,020.00** to cover the filing fee is enclosed.
- The Commissioner is hereby authorized to charge and credit Deposit Account No. **50-1619** as described below. A duplicate copy of this sheet is enclosed.
  - Charge the amount of \_\_\_\_\_ as filing fee.
  - Credit any overpayment.
  - Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

  
 \_\_\_\_\_  
 Kathleen A. Tyrrell, Registration No. 38,350

Dated: November 21, 2001

Licata & Tyrrell P.C.  
66 East Main Street  
Marlton, N.J. 08053  
Tel: 856-810-1515  
Fax: 856-810-1454

cc:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: DEX-0291  
Inventors: Macina et al.  
Serial No.: Not yet assigned  
Filing Date: Herewith  
Examiner: Not yet assigned  
Group Art Unit: Not yet assigned  
Title: Compositions and Methods Relating to  
Lung Specific Genes and Proteins

"Express Mail" Label No. EV051547060US  
Date of Deposit - November 21, 2001

I hereby certify that this paper is being deposited with  
the United States Postal Service "Express Mail Post Office  
to Addressee" service under 37 CFR 1.10 on the date  
indicated above and is addressed to the Assistant Commissioner for  
Patents, Washington, D.C. 20231.

By Kathleen A. Tyrrell  
Typed Name: Kathleen A. Tyrrell, Registration No. 38,350

**BOX SEQUENCE**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

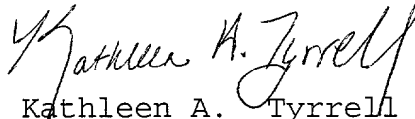
**STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE  
WITH 37 CFR §§ 1.821 THROUGH 1.825**

- (XX) I hereby state, in accordance with the requirements of 37  
C.F.R. §1.821(f), that the contents of the paper and computer  
readable copies of the Sequence Listing, submitted in  
accordance with 37 CFR §1.821(c) and (e), respectively are  
the same.
- ( ) I hereby state that the submission filed in accordance with  
37 CFR §1.821(g) does not include new matter.

U.S. PATENT & TRADEMARK OFFICE

- ( ) I hereby state that the submission filed in accordance with **37 CFR §1.821(h)** does not include new matter or go beyond the disclosure in the international application as filed.
- ( ) I hereby state that the amendments, made in accordance with **37 CFR §1.825(a)**, included in the substitute sheet(s) of the Sequence Listing were made to conform with the current Sequence Listing rules. I hereby state that the substitute sheet(s) of the Sequence Listing does not include new matter.
- ( ) I hereby state that the substitute copy of the computer readable form, submitted in accordance with **37 CFR §1.825(b)**, is the same as the amended Sequence Listing.
- ( ) I hereby state that the substitute copy of the computer readable form, submitted in accordance with **37 CFR §1.825(d)**, contains identical data to that originally filed.

Respectfully submitted,



Kathleen A. Tyrrell  
Registration No. 38,350

Date: November 21, 2001

Licata & Tyrrell P.C.  
66 E. Main Street  
Marlton, New Jersey 08053

(856) 810-1515

DEX-0291

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No. EV051547060US

Date of Deposit: November 21, 2001

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R 1.10 on the date indicated above and is addressed to the "BOX SEQUENCE", Assistant Commissioner for Patents, Washington, D.C. 20231.

- 1) Patent Application Transmittal Letter (2 copies);
- 2) Application consisting of 158 pages of Specification, including three (3) pages of Claims and one (1) page of Abstract;
- 3) Return Postcard;
- 4) Unexecuted Declaration and Power of Attorney;
- 5) Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§1.821-1.825;
- 6) Sequence listing;
- 7) Diskette containing computer readable copy of Sequence Listing; and
- 8) Check in the amount of \$1,020.00 for filing fee.

  
KATHLEEN A. TYRRELL

EV051547060US